

Electoral Arrangements Working Group on 22 July 2010 – Addendum to item 5

Revised Timetable and Terms of Reference for the Community Governance Review 2010-11

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The report already issued on the Community Governance Review sets out a proposed timetable and terms of reference (see item 5).

I had intended to report to Members that I would carry out a separate review of parish electoral arrangements and report back with a view to any recommendations for change being considered by the Finance and Administration Committee in either November or January.

Research undertaken after the report was finalised has indicated that the former legislative provisions relating to parish electoral arrangements have been swept away and incorporated into the community governance procedures contained in the 2007 Act. This effectively means that these arrangements can be reviewed and amended only after following the procedures for community governance reviews.

The matters defined as ‘parish electoral arrangements’ are:

- Council size - the number of councillors to be elected to the council or (in the case of a common council) the number of councillors to be elected to the council by local electors in each parish.
- Parish warding – whether the parish should, or should continue to be, divided into wards for electing councillors. This includes considering the number and boundaries of any such wards, the number of councillors to be elected for each and the name of any such ward.
- The Council also has discretion over which year the ordinary election of parish councillors takes place (please refer to later commentary).

The rules governing such a review in relation to parish councils are:

1	The parish has 1,000 or more local government electors	The review must recommend that the parish should have a council
2	The parish has 150 or fewer local government electors and does not currently have a council	The review must recommend that the parish should not have a council
3	The parish has 150 or fewer electors and currently has a council or was part of a parish that had a council	It is for the principal council to decide whether or not the parish should have a council
4	The parish has between 150 and 1000 electors	It is for the principal council to decide whether or not the parish should have a council

Reviewing these matters every four years prior to the ordinary year of election is usually a straightforward exercise. Unfortunately, the 2007 Act changes now means that the timetable and terms of reference included in the report already issued must be revised.

It is suggested that the proposed **terms of reference** included in paragraph 26 of the report be amended to read as follows:

- The whole of the district of Uttlesford be reviewed to determine the most appropriate arrangements for the election of parish councillors in May 2011, and in future years, but that the boundaries between existing parishes only be reviewed as set out below.
- The boundaries of the parishes of Birchanger and Stansted will be reviewed, concentrating especially on the new residential site known as Foresthall Park, and other nearby areas that may be affected by a change of boundaries at that location.
- The boundaries of the parishes of Little Canfield and Takeley will be reviewed to assess the demand and need for any changes to reflect community ties and loyalties, concentrating especially on the new residential site known as Priors Green, and other nearby areas that may be affected by a change of boundaries at that location.

The **timetable** governing the review needs to be amended to take account of the revised terms of reference. This is because it is essential that any change made to the electoral arrangements of parishes other than Birchanger, Stansted, Little Canfield and Takeley must be able to be implemented in May 2011. The suggested timetable is set out in the following table:

Action	Time allowed	Effective dates
Start of review and invitation for the submission of proposals	Six weeks	16 August to 30 September 2010
Evaluation of submissions and preparation of draft proposals (and final recommendation as stated below)	One month	1 to 29 October 2010
Publication of draft proposals and final recommendations in the case of existing unaltered parishes in which electoral arrangements only are being considered for change	One week	1 to 5 November 2010
Approval by Finance and Administration Committee of final recommendations for parish electoral arrangements only in the case of unaltered parishes	Scheduled meeting	25 November 2010
Making of parish electoral arrangements order and any alteration necessary in the revised register of electors (only where parish ward boundaries are being altered)	By 30 November 2010	1 December 2010 for the register of electors and, for all matters connected with the parish elections on 5 May 2011, at such earlier date as specified for the purposes of the election timetable (except for any parishes subject to boundary alterations)
Consultation on proposals (parishes being considered for alteration only)	Three months Page 2	8 November 2010 to 1 February 2011

Evaluation of representations and preparation of final proposals (parishes being considered for alteration only)	One month	2 February 2011 to 4 March 2011
Approval by F&A Committee of final proposals	Scheduled meeting	24 March 2011
Publication of final proposals (for those parishes, if any, where boundary alterations are being proposed)	One week	28 March to 1 April 2011
Publication of recommendations (if unchanged from final proposals)	Two to three months later	23 to 27 May 2011
A reorganisation order is made	Thereafter	June 2011
The order is sent to the required statutory bodies, and the Local Government Commission for England is asked to make a related alteration order for any principal area wards and electoral divisions affected	As soon as the order is made	June 2011
The order becomes effective (for parish elections) at the same time as for district elections (but see note below about timing)	Publication of the next revised register of electors	1 December 2011 (or such later date as is agreed, possibly December 2014)

Alternative option for the implementation of new boundaries

Under the timetable set out above, parish council elections for those parishes subject to boundary alterations would come into effect in the year in which related alterations to district council wards take effect. In normal circumstances, this would always be during a 'normal' election year, i.e. 2011, 2015 etc. There is an alternative path that could be followed and I am currently investigating whether such a path is viable, and whether the legal power exists.

The alternative path would be to extend the term of office of existing parish councillors in Birchanger and Stansted (and perhaps Little Canfield and Takeley as well) until May 2012, so that the new parish council can be elected on the new parish boundaries, and thus avoiding two full parish elections in successive years. The district ward elections for the related areas would go ahead in the normal way. The order would make provision for the term of office of the new parish councils concerned to revert to the ordinary year of election from 2015 onwards. Successive terms of office for those parishes concerned would therefore be five years and three years respectively.

It is important to note that the content of the above two paragraphs is speculative until it is possible to pin down the Council's exact statutory powers in this regard, but this does not prevent the suggested timetable from being adopted.

It is therefore **RECOMMENDED** that the revised terms of reference and timetable in this addendum to the item 5 report be adopted and used for publication purposes in conducting the community governance review.